

## **II. Remarks**

### **A. Status of Claims**

Claims 1-29 are hereby canceled without prejudice or disclaimer.

New claims 30-57 are pending.

New independent claim 30 is directed to an apparatus including a first plate and a generally cylindrical rod mounted in a plate channel of the first plate, and is rotatable between an open position in which rod channels allow test formulations to be introduced or removed through openings of first wells, and a closed position in which the rod generally seals the openings of the first wells, *inter alia*. Support for new claim 30 can be found, for example, with reference to original claims 1 and 7, the specification at page 32, line 24 to page 34, line 2, and Figures 5A and 5B.

Support for new claim 31 can be found, for example, with reference to the specification at page 27, lines 32 to 34, and Figure 2A.

Support for new claim 32 can be found, for example, with reference to the specification at page 28, lines 30 to 32, and Figure 2A.

Support for new claim 33 can be found, for example, with reference to original claim 15.

Support for new claim 34 can be found, for example, with reference to original claim 1.

Support for new claim 35 can be found, for example, with reference to original claims 2 to 6.

Support for new claims 36 to 38 can be found, for example, with reference to original claim 17, the specification at page 28, line 34 to page 29, line 23, and Figure 2A.

Support for new claim 39 can be found, for example, with reference to the specification at page 32, line 24 to page 34, line 2.

New independent claim 40 is directed to an apparatus including a donor plate and a receptor plate mountable to the donor plate to sandwich the test membrane therebetween. The plates each include a plurality of wells arranged in an array, each of the wells including a first end sealable with a test membrane, and openings at a second end through which test formulations may be introduced or removed. Support for new claim 40 can be found, for example, with reference to original claims 1, 14 and 15, the specification at page 27, lines 32 to 34, and Figure 2A.

Support for new claims 41 to 44 can be found, for example, with reference to original claim 7, the specification at page 32, line 24 to page 34, line 2, and Figures 5A and 5B.

Support for new claim 45 can be found, for example, with reference to original claims 2 and 18.

Support for new claim 46 can be found, for example, with reference to original claims 4 to 6.

Support for new claim 47 can be found, for example, with reference to original claims 19 and 21 to 24.

Support for new claims 48 to 50 can be found, for example, with reference to original claim 17, the specification at page 28, line 34 to page 29, line 23, and Figure 2A.

Support for new claims 51 to 53 can be found, for example, with reference to the specification at page 29, line 26 to page 30, line 15, and Figures 2A and 2B.

Support for new claim 54 can be found, for example, with reference to the specification at page 33, lines 6 to 10, and Figures 5A and 5B.

Support for new claim 55 can be found, for example, with reference to the specification at page 28, line 34 to page 29, line 35.

New independent claim 56 is directed to a method including assembling a donor plate and a receptor plate to sandwich a test membrane therebetween, introducing test formulation to

receptor wells, sealing bottom openings of the receptor wells, and introducing test formulation to donor wells, *inter alia*. Support for new claim 56 can be found, for example, with reference to the specification at page 31, lines 23 to page 33, line 23.

Support for new claim 57 can be found, for example, with reference to the specification at page 33, lines 11 to 23.

Applicant submits that no new matter is added by these amendments.

**B. Rejections Under 35 U.S.C. § 102 and 103**

Claims 1, 3-5 and 7-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lebl et al.

Claims 25-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kayyem et al.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nauck et al.

Claims 16 and 18-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bodner et al.

Claim 17 stands rejected under 35 U.S.C. § 103(e) as being unpatentable over Bodner et al. in view of Kayyem et al.

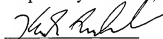
Applicant respectfully submits that these rejections all are now moot in light of the claim amendments presented above.

**C. Conclusion**

Applicants await further prosecution on the merits.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3536. All correspondence should be directed to the address given below.

Respectfully submitted,



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